IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22926 of 2004

Between:

T. Suguna, W/o. Venkatratnam,
Panduvanagulavaram Village, Vellgandla Mandal,

Prakasam District.

... PETITIONER

AND

1 The Joint Collector, (Civil Supplies), Prakasham District.
2 The Revenue Divisional Officer, Kandukuru, Prakasham

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ or order more particularly one in the nature of writ of mandamus or an appropriate writ or order declaring the proceedings in R.C.F./1370/2004, dt. 14.09.2004 issued by the 2nd rspondent and inaction of the 1st respondent in not disposing the appeal and stay petition filed by the petitioner as illegal, arbitrary and unconstitutional, and pass such other order or orders.

Counsel for the Petitioner:MR.KOTI REDDY IDAMAKANTI

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

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Authorization of the petitioner as Fair Price Shop Dealer was cancelled by the second respondent, through order dated 14.09.2004. The petitioner preferred an appeal against the same before the first respondent, together with an application for grant of stay. Her grievance is that though the appeal was filed long back, no orders have been passed so far either in the stay petition, or in the appeal, and she sought appropriate directions in this regard.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner was issued a show-cause notice, wherein several allegations were made against her. She submitted an explanation, and on consideration of the same, the second respondent cancelled the authorization. The question as to whether the order of cancellation suffers from any infirmity or illegality needs to be considered at the hearing of the appeal, after calling for the records. Granting of stay, against the orders of cancellation, is not matter of course and except where extraordinary circumstances exist, an order of cancellation cannot be stayed. The first respondent may be required to dispose of the appeal itself, at an early date.

Hence, the writ petition is disposed of, directing that the first respondent shall pass appropriate orders in the appeal, within six weeks from the date of receipt of a copy of the order. There shall be no order as to costs.

10th December, 2004

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To

1 The Joint Collector, (Civil Supplies), Prakasham District.
2 The Revenue Divisional Officer, Kandukuru, Prakasham

District.

3 Two C.Cs to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

4 Two CD copies